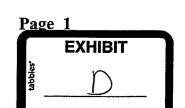
```
00001
  1
        IN THE UNITED STATES DISTRICT COURT
      FOR THE NORTHERN DISTRICT OF OKLAHOMA
 2
 3 W. A. DREW EDMONDSON, in
  his capacity as ATTORNEY )
 4 GENERAL OF THE STATE OF
  OKLAHOMA and OKLAHOMA
                                  )
 5 SECRETARY OF THE ENVIRONMENT)
  C. MILES TOLBERT in his
 6 capacity as the TRUSTEE FOR )
 NATURAL RESOURCES FOR THE )
 7 STATE OF OKLAHOMA,
                               )
 8
         Plaintiff,
                    )
 9
                  ) No. 05-CV-00329-GKF-PJC
        vs.
                )
10 TYSON FOODS, INC, et al., )
11
         Defendants.
12
13
       VIDEOTAPED DEPOSITION OF JON CRAIG,
14 before the undersigned Certified Shorthand Reporter,
 taken on behalf of the Defendants, at the Department of
15 Environmental Quality, 707 North Robinson, Oklahoma
 City, Oklahoma, commencing at 9:06 a.m., on April 2,
16 2009, pursuant to the stipulations of the parties.
17
18
19
       NICHOLE M. MYERS, RPR, CSR #1704
20
21
        NICHOLS McCLANAHAN REPORTING
           Two Main Plaza
                                    CRAIG, JON
22
          616 South Main, Suite 302
```



- 1 mean that it -- that their contribution wouldn't
- 2 figure in to some of the things that we do.
- 3 Q. All right.
- 4 A. Let me give an example of something we
- 5 might do that we don't at this point. There is a
- 6 system called trading whereas if an industry or a
- 7 municipality discharges a certain loading and the
- 8 TMDL requires them to reduce the loading or their
- 9 waste load requires them to reduce their loading of
- 10 waste -- of pollutants then they could actually trade
- 11 and they could say we'll implement BMPs for nonpoint
- 12 sources and reduce the loading that way, and they get
- 13 a credit. And that is a provision that is allowed
- 14 though I don't know of any city or industry that is
- 15 doing that. But it is -- to be honest it's going to
- 16 happen. It's probably cheaper than some of the other
- 17 things.
- 18 Q. Okay. Thank you. I want to ask later
- 19 about TMDLs, but let me ask you right now for any
- 20 waters in the IRW is it correct that no TMDLs have
- 21 been put in place?
- 22 A. TMDL is being developed in Oklahoma for
- 23 portions of the Illinois River watershed and
- 24 Tenkiller Lake. I don't think the whole basin is
- 25 impaired. I think only certain segments. And you

00024

- 1 only do TMDLs for the impaired segments. Also, I
- 2 think that Arkansas has some segments that are
- 3 impaired and they may be preparing TMDLs.
- 4 Q. Yeah, and I should have limited my
- 5 question to the Oklahoma portion of the Illinois
- 6 River watershed.
- 7 A. Okay.
- 8 Q. And you indicated that some TMDLs are
- 9 being prepared, but none have been finalized; have
- 10 they?
- 11 A. That's correct.
- 12 Q. Do you know what -- well, let me save --
- 13 I'm going to come back to the TMDLs in a minute.
- 14 If you would, look back at Exhibit 1. And
- 15 again back to the third page -- I'm sorry, the fourth
- 16 page. And this is under Section 2-6-103. And if
- 17 you'll look at part C1(a) on the following page.
- 18 A. Yes, sir.
- 19 Q. Can you read for me the language of C1(a)?
- 20 A. "The Executive Director may issue, modify
- 21 or revoke orders: Prohibiting or abating pollution
- 22 of the waters of the state."
- Q. What does that language mean to you?
- 24 A. Well, I have always assumed -- and I'm not
- 25 an attorney. But I have always assumed that this is